

State of Wisconsin



1997 Assembly Bill 488

Date of enactment: **April 22, 1998**

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1997 WISCONSIN ACT 169

AN ACT to repeal 293.35 (4) and 293.37 (5); and **to create** 293.32 of the statutes; **relating to:** prospecting and mining fees.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 293.32 of the statutes is created to read:

293.32 Prospecting and mining fees. (1) When a person gives notice under s. 293.31 (1), the person shall pay a fee established by the department by rule designed to cover the costs incurred by the department in connection with the proposed prospecting or mining during the year following receipt of the notice, other than any costs related to the environmental impact statement for the proposed prospecting or mining.

(2) The department shall annually compare the fees paid under this section and under chs. 30, 280 to 292 and 295 to 299 in connection with proposed prospecting or mining for which notice has been given under s. 293.31 (1) with the costs incurred by the department in connection with that proposed prospecting or mining, including the costs incurred under chs. 30, 280 to 292 and 295 to 299 but excluding costs related to the environmental impact statement. If the costs incurred exceed the fees paid, the person who notified the department shall pay a fee equal to the amount by which the costs exceed the fees previously paid.

(3) When the department issues or denies a prospecting or mining permit or when a person who gave notice under s. 293.31 (1) ceases to seek approval of the pro-

posed prospecting or mining project, the department shall compare the fees paid under this section and under chs. 30, 280 to 292 and 295 to 299 in connection with the proposed prospecting or mining with the costs incurred by the department in connection with the proposed prospecting or mining, including the costs incurred under chs. 30, 280 to 292 and 295 to 299 but excluding costs related to the environmental impact statement. If the costs incurred are less than the fees paid, the department shall pay the person who gave notice the amount by which the fees exceed the costs. If the costs incurred exceed the fees paid, the person who notified the department shall pay a final fee equal to the amount by which the costs exceed the fees previously paid.

SECTION 2. 293.35 (4) of the statutes is repealed.

SECTION 3. 293.37 (5) of the statutes is repealed.

SECTION 4. Nonstatutory provisions.

(1) If a person has given notice under section 293.31 (1) of the statutes before the effective date of this subsection but the department of natural resources has not issued or denied a mining or prospecting permit to the person and the person has not ceased to seek approval of the prospecting or mining before the effective date of this subsection, section 293.32 (2) and (3) of the statutes, as created by this act, apply to the person beginning on the effective date of this subsection. For the purpose of

* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

applying section 293.32 (2) and (3) to the person, fees
paid under sections 293.35 (4) and 293.37 (5) of the stat-

utes shall be considered to have been paid under section
293.32 of the statutes, as created by this act.
